FOR MYSORE STATE

DEVELOPMENT (195 ,) Department.

MR SERIES.

G.O. No. 1676

Dated 8-4-59

[Despatch Abstract.]

MINES - Mining Lease - Execution of indemnity deed to Government against claims of third parties - Draft form - Communicated.

GOVERNMENT OF MADRAS
BSTRACT

MINES - Mining Lease - Execution of indemnity deed to Government against the claims of third parties - Draft form - Communicated.

Development Department.

G.O.MS.No.1676 Dated 8th April 1953.

Read: From the Collector of the Nilgiris No.B.5/2191/52, dated xxxxxxxxx, 21-4-1952.
From the Director of Industries and Commerce, No.J.1271/52-14, dated 10.2.1953.

ORDER:

The Government direct that the Deed of indemnity to be executed by the holder of a mining lease according to the special condition No.XI under rule 41(2) of the Mineral Concession Rules, 1949 will be in the form appended to this order.

As regards the value of stamp paper on which the indemnity deed is to be executed, the Collector of the Nilgiris is informed that under section 2 of the Madras (Increase of Duties) Act, 1943, an indemnity deed is chargeable with twice the amount of the stamp duty chargeable under item 46 of Schedule IA on page 182 of the Madras Stamp Manual.

APPENDIX

DEED OF INDEMNITY executed this day of 1953 by residing at (hereinafter referred to as the Indemnifier) in favour of the Governor of Madras (hereinafter referred to as "The Governor")

WHEREAS the Indemnifier is the holder of a mining lease of the lands in Survey No. of village District granted by the Government of Madras;

AND WHEREAS the Indemnifier has executed a deed of lease dated in favour of the Governor for carrying on mining operations in the said lands on the terms and conditions therein mentioned;

AND WHEREAS it was one of the conditions of the said grant that the lessee should execute a deed of indemnity indemnifying the Governor against all possible claims of third parties;

NOW THIS DEED WITNESSETH THAT xxxx in pursuance of the said agreement, the Indemnifier hereby agrees to keep indemnified and harmless the Governor against all claims that my be made or proceedings that may be commenced by any person for loss, damage, disturbance, or injury or otherwise resulting from the working of the mine during the period of the lease by the lessee or any one else and against all costs and expenses incurred by the Government of Madras in defending any such claim action or proceeding.

P.T.O.

IN WITNESS WHEREOF, the said Indemnifier has hereto subscribed his signature, the day month and year first above ~~xxx~~ written.

(BY ORDER OF THE GOVERNOR)

S.Arul Doss,
Deputy Secretary to Government

To the Collector of the Nilgiris.
To All other Collectors.
Copy to the Director of Industries and Commerce.
Copy for Andhra Government.
Copy for Mysore Government.

Forwarded/By Order

Superintendent,

PTL/8.4.

9/4.

14-XI-53

True Copy

Superintendent

Note 1

GOVERNMENT OF MADRAS
DEVELOPMENT DEPARTMENT.
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S U M M A R Y.

According to the special condition No.XI. under rule ~~xiii~~ 41(2) of the Mineral Concession Rules 1949, the holder of a mining lease is required to execute an indemnity bond to Govt. against the claims of third parties. The Collector of the Nilgiris has requested a specimen form of the indemnity bond to be executed by the lessees and has also enquired whether this bond should be executed on stamp paper and if so of what value.

The Director of Industries & Commerce has submitted a draft indemnity bond prepared by the Government Pleader, Madras which is on page 9 c.f. The draft has been scrutinised by Legal Department and the alterations indicated by them in red ink may be accepted. The draft bond may be communicated to all Collectors.

As regards the value of stamp paper on which indemnity bonds have to be executed, the Rev. Dept. have noted that under section 2 of the Madras Stamp (Increase of Duties) Act, 1943, an indemnity bond is now chargeable with twice the amount of stamp duty chargeable under item 46 of schedule I.A. on page 182 of the Madras Stamp Manual. The Collector of the Nilgiris may be informed accordingly.

Subject to orders, a draft order is submitted for approval.

T.V.K.
1-4-53.

S.A.
2-4-53.

U.K. Krishna Rao,
5-4-53. M(I&L)

/True Copy/

SUPERINTENDENT.

Mksarojini.13/11.

Issued as G.O. Ms. 1676 Dept 8-4-53